

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>RAHEEM JOHNSON,</b>	:	
<b>Plaintiff</b>	:	
	:	<b>No. 1:18-cv-203</b>
<b>v.</b>	:	
	:	<b>(Judge Rambo)</b>
<b>DEPUTY TRITT, <i>et al.</i>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, on this 20th day of April 2020, for the reasons set forth in the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to amend the docket in the above-captioned case to reflect the correct spelling of Defendants Brittain and Delbalso's names;
2. Plaintiff's motion for an extension of time to file a surreply (Doc. No. 82) is **DENIED**;
3. The DOC Defendants' motion for summary judgment (Doc. No. 62) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
  - a. The motion (Doc. No. 62) is **GRANTED** with respect to Plaintiff's Eighth Amendment claims against the DOC Defendants, his claims under the ADA and Rehabilitation Act against the DOC Defendants in their individual capacities, as well as any claims for prospective injunctive relief under the ADA and the Rehabilitation Act against the DOC Defendants in their official capacities, and the Clerk of Court is directed to defer the entry of judgment in favor of the DOC Defendants on these claims until the conclusion of the above-captioned proceedings;
  - b. The motion (Doc. No. 62) is **DENIED WITHOUT PREJUDICE** with respect to Plaintiff's claims for monetary damages against the DOC Defendants in their official capacities

under the ADA and Rehabilitation Act, as well as Plaintiff's state law claims against Defendants;

- c. The motion (Doc. No. 62) is **DENIED** with respect to Plaintiff's First Amendment retaliation claim against Defendant Mros; and
- 4. The DOC Defendants may file, within thirty (30) days of the date of this Order, a second motion for summary judgment addressing Plaintiff's claims for monetary damages against the DOC Defendants in their official capacities under the ADA and Rehabilitation Act, as well as Plaintiff's state law claims against Defendants.

s/ Sylvia H. Rambo  
United States District Judge